

CHAPTER 9 HARNESS RACING

[Prior to 11/9/86, Racing Commission[693]]
[Prior to 11/18/87, Racing and Gaming Division[195]]

491—9.1(99D) Terms defined. As used in these rules, unless the context otherwise requires, the following definitions apply:

“Also eligible” means a number of eligible horses, properly entered, which were not drawn for inclusion in a race, but which become eligible according to preference or lot if an entry is scratched prior to the scratch time deadline; or the next preferred nonqualifier for the finals or consolation from a set of elimination trials which will become eligible in the event a finalist is scratched by the stewards/judges for a rule violation or is otherwise eligible if written race conditions permit.

“Arrears” means all moneys owed by a licensee, including subscriptions, forfeitures, and any other payment and default incident to these rules.

“Association” means a nonprofit corporation defined in Iowa Code section 99D.8, holding a license from the commission to conduct harness racing and pari-mutuel wagering, and an annual license authorizing the specific dates of the annual racing meet.

“Association grounds” means all real property utilized by the association in the conduct of its race meeting, including the racetrack, grandstand, concession stands, offices, barns, stables area, employee housing facilities, parking lots and any other areas under the jurisdiction of the commission.

“Authorized agent” means a person licensed by the commission as an agent for a horse owner or principal by virtue of a notarized appointment. The agent shall be designated on a form approved by the commission, filed by the owner or principal with the commission, authorizing the agent to handle matters pertaining to racing and stabling, including authorization to claim and to withdraw money from the horsemen’s bookkeeper.

“Bleeder” means a horse that hemorrhages from within the respiratory tract during a race or within one and one-half hours post race, or during exercise or within one and one-half hours of exercise.

“Bleeder list” means a tabulation of all bleeders to be maintained by the commission.

“Chemist” means any official racing chemist designated by the commission.

“Claiming race” means one which includes a condition that any horse starting the race may be claimed and purchased by any licensed owner, or person(s) approved by the commission for an owner’s license, for the designated amount specified in the conditions for that race by the racing secretary.

“Commission” means the racing and gaming commission.

“Conditioned race” means any overnight event to which eligibility is determined according to specified qualifications. Qualifications may be based among other things upon any one or more of the following:

1. Horses’ money winnings in a specified number of previous races or during a specified previous interval of time.
2. A horse’s finishing position in a specific number of previous races or during a specified period of time.
3. Age.
4. Sex.
5. Number of starts during a specified period of time.
6. Special qualifications for foreign horses that do not have a representative number of starts in the United States or Canada.
7. Use of records or time bars as a condition is prohibited.

“Conditions” means qualifications that determine a horse’s eligibility to be entered in a race.

“Contest” means a competitive racing event on which pari-mutuel wagering is contested.

“Contestant” means an individual participant in a contest.

“Contractual concessionaire” means any business or individual dealing in the furnishing, sale or distribution of materials, supplies or services to an association.

“Coupled entry” means two or more horses starting in a race when owned or trained by the same person, or trained in the same stable or by the same management.

“Dash” means a race decided in a single trial. Dashes may be given in a series of two or three governed by one entry fee for the series, in which event a horse must start in all dashes. Positions may be drawn for each dash. The number of premiums awarded shall not exceed the number of starters in the dash.

“Day” means a 24-hour period beginning at 12:01 a.m. and ending at midnight, also referred to as a race day.

“Declaration” means the naming of a particular horse into a particular race.

“Detention barn” means the barn designated for the collection from horses of test samples under the supervision of the commission veterinarian; also it is the barn assigned by the commission to a horse on the bleeder list for occupancy as a prerequisite for receiving bleeder medication.

“Driver” means a person licensed to drive in races as a driver.

“Early closing race” means a race for a definite amount to which entries close at least six weeks preceding the race. The entrance fee may be on the installment plan or otherwise and no payment shall be refunded.

“Elimination heats” means the individual heats of a race in which the contestants must qualify for a final heat.

“Entry” means a horse made eligible to run in a race; or two or more horses, entered in the same race, which have common ties of ownership, lease, or training (see coupled entry).

“Foreign substances” means all substances except those that exist naturally in the untreated horse at normal physiological concentration.

“Futurity” means a stake in which the dam of the competing animal is nominated either when in foal or during the year of foaling.

“Guaranteed stake” means same as a stake, with a guarantee by the party opening it that the sum shall not be less than the amount named.

“Heat” means a single trial in a race, two in three, or three heat plan.

“Horse” means any equine (including and designated as a mare, filly, stallion, colt, ridgling or gelding) registered for racing under the jurisdiction of the commission.

“Late closing race” means a race for a fixed amount to which entries close less than six weeks and more than three days before the race is to be contested.

“Licensee” means any person or entity holding a license from the commission to engage in racing or related regulated activity.

“Matinee race” means a race where an entrance fee may be charged and where the premiums, if any, are other than money.

“Meeting” means the specified period and dates each year during which an association is authorized to conduct racing by approval of the commission.

“Month” means a calendar month.

“Nomination” means the naming of a horse or in the event of a futurity, the naming of a foal in utero to a certain race or series of races, eligibility that is conditioned on the payment of a fee at the time of naming and the payment of subsequent sustaining fees or starting fees.

“Nominator” means the person or entity in whose name a horse is nominated for a race or series of races.

“Objection” means a verbal claim of foul in a race lodged by the horse’s driver, trainer, owner, or the owner’s authorized agent before the race is declared official.

“Optional claiming race” means a contest restricted to horses entered to be claimed for a stated claiming price and to those which have started previously for that claiming price or less, in the case of horses to be claimed in such a race. The race shall be considered, for the purpose of these rules, a claiming race; in the case of horses not entered to be claimed in such a race, the race shall be considered a condition race.

“Overnight race” means a race for which declarations close not more than three days (omitting Sundays) or less than one day before such race is to be contested. In the absence of conditions or notice to contrary, all entries in overnight events must close not later than 12 noon the day preceding the race.

“Owner” means a person who holds any title, right or interest, whole or partial, in a horse including the lessee and lessor of a horse.

“Paddock” means an enclosure in which horses scheduled to compete in a contest are confined prior to racing.

“Post position” means the position assigned to, drawn by, or earned by a horse behind the starting gate.

“Post time” means the scheduled starting time for a contest.

“Prima facie evidence” means evidence that, until its effect is overcome by other evidence, will suffice as proof of fact in issue.

“Program” means the published listings of all contests and contestants for a specific performance.

“Protest” means an objection, properly sworn to, charging that a horse is ineligible to race, or alleging improper entry or declaration or citing any act of an owner, driver or official prohibited by the rules, and that, if true, should under these rules exclude the horse or driver from the race.

“Race” means a contest between horses for a purse, prize, or other reward contested at a licensed association in the presence of the stewards of the meeting. Every heat or dash shall be deemed a race for pari-mutuel betting purposes.

“Restricted area” means an enclosed portion of the association grounds to which access is limited to licensees whose occupation or participation requires access.

“Rules” means the rules promulgated by the commission or United States Trotting Association (U.S.T.A.) to regulate the conduct of harness racing. Where a conflict exists between the commission and the U.S.T.A. rules, the commission’s rule shall govern.

“Sample” means any bodily substance including but not limited to blood or urine taken from a horse under the supervision of the commission veterinarian and in the manner prescribed by the commission for the purpose of analysis.

“Scratch” means the act of withdrawing an entered horse from a contest after the closing of entries.

“Scratch time” means the deadline set by the commission for withdrawal of entries from a scheduled performance.

“Stable name” means a name used other than the actual legal name of an owner or lessee and registered with the U.S.T.A. and the commission.

“Stake” means a race that will be contested in a year subsequent to its closing in that the money given to the track conducting the same is added to the money contributed by the nominators, all of which except deductions for the cost of promotion, breeders of nominators awards belong to the winner or winners.

“Starter” means a horse that becomes an actual contestant in a race by virtue of the starting gate opening in front of it upon dispatch by the official starter.

“Stewards” means the duly appointed racing officials or their deputies serving at a licensed harness racing meeting, with the powers and duties specified by rules.

“Subscription” means moneys paid for nomination, entry, eligibility or starting of a horse in a stakes race.

“Sulky” means a dual wheel racing vehicle with dual shafts not exceeding the height of the horse’s withers. Shafts must be hooded separately on each side.

“Two-year-olds” means no two-year-old shall be permitted to start in a dash or heat exceeding one mile in distance, and no two-year-old shall be permitted to race in more than two heats or dashes in any single day.

“U.S.T.A.” means the United States Trotting Association.

“Veterinarian” means a veterinarian licensed by the appropriate state regulatory authority and the commission.

“Year” means a calendar year.

491—9.2(99D) Racing officials.

9.2(1) General description. Every association conducting a race meeting shall appoint at least the following officials, who shall all have U.S.T.A. certification:

- a. One associate steward, one of the members of a three-member board of stewards;
- b. The racing secretary;
- c. The paddock judge;
- d. The horse identifier;
- e. The clerk of the course;
- f. Official starter;
- g. Rescinded IAB 2/9/00, effective 3/15/00.
- h. Rescinded IAB 2/9/00, effective 3/15/00.
- i. Official charter;
- j. Program director;
- k. Rescinded IAB 2/9/00, effective 3/15/00.
- l. Patrol judge.

9.2(2) Eligibility for officials. To qualify as a racing official, the appointee must be licensed by the commission after a determination that the appointee:

- a. Is of good moral character and reputation;
- b. Is experienced in and knowledgeable of harness racing;
- c. Is familiar with the duties to which appointed and for which responsible and with the commission's rules of harness racing;
- d. Possesses the mental and physical capacity to perform the required duties;
- e. Possesses natural or correctable eyesight sufficient to perform the duties; and
- f. Is not under suspension or ejection by the U.S.T.A. or any other racing jurisdiction.

9.2(3) Official's prohibited activities. No racing official or the racing official's assistant(s) listed in 9.2(1) while serving during any meeting may engage in any of the following:

- a. A business or employment which would be a conflict of interest or interfere or conflict with the proper discharge of duties including:
 - (1) A business which does business with an association.
 - (2) A business issued a concession operator's license.
- b. Participate in the sale or purchase or ownership of any horse racing at the meeting.
- c. Sell or solicit horse insurance on any horse racing at the meeting; or engage in any other business sales or solicitation not a part of the official's duties;
- d. Wager on the outcome of any live or simulcast race;
- e. Accept or receive money or anything of value for assistance in connection with the official's duties; or
- f. Refuse to take a breath analyzer test or submit to a blood or urine sample when directed by the commission or its designee.

9.2(4) Report of violations. Every racing official and assistant(s) is responsible to report immediately to the stewards of the meeting every observed violation of these rules and of the laws of this state which occur within the official's jurisdiction.

9.2(5) *Single official appointment.* No official appointed to any meeting may hold more than one official position listed in 9.2(1) unless, in the determination of the stewards or commission, the holding of more than one appointment would not subject the official to a conflict of interests and duties in the two appointments.

9.2(6) *Stewards (for practice and procedure before the stewards and the racing commission, see 491—Chapter 4).*

a. General authority.

(1) General. The board of stewards for each racing meet shall be responsible to the commission for the conduct of the race meetings in accordance with the laws of this state and the rules adopted by the commission. The stewards shall only have authority to resolve conflicts or disputes between all other racing officials or licensees where the disputes are reasonably related to the conduct of a race, or races, and to punish violators of these rules in accordance with the provisions of these rules.

(2) Appointment of substitute. Should any steward be absent at race time, the other two stewards shall agree on the appointment of a deputy for the absent steward or if they are unable to agree on a deputy, then the racing secretary shall appoint a deputy for that race. If any deputy steward is appointed, the commission shall be notified immediately by the stewards.

(3) Attendance. All three stewards shall be present in the stand while the race is contested.

(4) Period of authority. The period of authority shall commence 30 days prior to the beginning of each racing meet and shall terminate 30 days after the end of each racing meet.

(5) Initiate action. Stewards may, from their own observations, take notice of misconduct or rule violations and institute investigations and compliance of possible rule violations.

(6) General enforcement provisions. Stewards shall enforce the laws of Iowa and the rules of racing during racing. They shall have the authority to charge any licensee for a violation of these rules, to conduct hearings and to impose fines or suspensions within the limits and procedures of the commission. The decision of the stewards as to the extent of a disqualification of any horse in any race shall be final for purposes of distribution of the pari-mutuel pool.

b. Duties of stewards.

(1) The laws of Iowa and the rules of racing supersede the conditions of a race and the regulations of a race meeting, and, in matters pertaining to racing, the orders of the stewards supersede the orders of the officers of the association.

(2) The stewards shall have the power to interpret the rules and to decide all questions not specifically covered by them.

(3) All questions pertaining to which their authority extends shall be determined by a majority of the stewards.

(4) The stewards shall have the power to regulate and control owners, trainers, grooms and other persons attendant on horses and also over all officials and licensed personnel of the meeting.

(5) The stewards shall have control over and access to all areas of the racetrack grounds.

(6) The stewards shall have the power to determine all questions arising with reference to entries and racing.

(7) Persons entering horses to run on licensed Iowa tracks agree in so doing to accept the decision of the stewards on any questions relating to a race or racing.

(8) The stewards shall have the power to punish for violation of the rules any person subject to their control and in their discretion to impose fines or suspensions or both for infractions.

(9) The stewards shall have the power to order the exclusion or ejection from all premises and enclosures of the association any person who is disqualified for corrupt practices on any race course in any country.

(10) The stewards shall have the power to call for proof that a horse is neither itself disqualified in any respect, nor nominated by, nor the property, wholly or in part, of a disqualified person, and in default of proof being given to their satisfaction, they may declare the horse disqualified.

(11) The stewards shall have the power at any time to order an examination, by person or persons they think fit, of any horse entered for a race or which has run in a race.

(12) The stewards shall take notice of any questionable conduct with or without complaint and shall investigate promptly and render a decision on every objection and on every complaint made to them.

(13) The stewards, in order to maintain necessary safety and health conditions and to protect the public confidence in horse racing as a sport, shall have the right to authorize a person or persons in their behalf to enter into or upon the buildings, barns, motor vehicles, trailers or other places within the grounds of a licensed racetrack, to examine same, and to inspect and examine the person, personal property, and effects of any person within such place, and to seize any illegal articles or any items as evidence found.

(14) Upon the finding of a violation of these rules, or an attempted violation, on the grounds of a licensed facility, the stewards may suspend the license of any person for one calendar year or racing season, whichever is greater, or they may impose a fine not to exceed \$1,000 or both. All fines imposed by the stewards/judges shall be paid to the commission within ten days after the ruling is issued, unless otherwise ordered. They may also suspend the license of any person currently under suspension or in bad standing in any other state or jurisdiction by the state racing commission or a board of stewards of any recognized meeting. They may also order the redistribution of purse payments where appropriate. All suspensions and fines must be reported to the commission. If the punishment so imposed is not sufficient, in the opinion of the stewards, they shall so report to the commission. All fines and suspensions imposed by the stewards shall be promptly reported to the racing secretary and commission.

c. Emergency authority.

(1) Substitute officials. When in an emergency any official is unable to discharge duties, the stewards may approve the appointment of a substitute. The stewards shall report the appointment immediately to the commission.

(2) Substitutes. The stewards have the authority in an emergency to designate a substitute trainer or driver for any horse.

(3) Excuse horse. In case of accident or injury to a horse or any other emergency deemed by the stewards before the start of any race, the stewards may excuse the horse from starting.

d. Investigations and decisions.

(1) Investigations. The stewards may, upon direction of the commission, conduct inquiries and shall recommend to the commission the issuance of subpoenas to compel the attendance of witnesses and the production of reports, books, papers and documents for any inquiry. The commission stewards have the power to administer oaths and examine witnesses and shall submit a written report of every inquiry made by them to the commission.

(2) Cancel trifecta. The stewards have the authority to cancel trifecta wagering at any time they determine an irregular pattern of wagering or determine that the conduct of the race would not be in the interest of the regulation of the pari-mutuel wagering industry or in the public confidence in racing. The stewards shall cancel trifecta wagering anytime there are fewer than seven betting interests at the time the horses leave the paddock for the post. The administrator may approve smaller fields for trifecta wagering if extraneous circumstances are shown by the licensee.

(3) Protest to patrol judge. A driver who intends to enter a protest must report to the patrol judge in the starting gate following the running of any race and, before the race is declared official, shall notify the patrol judge of the driver's intention immediately after the finish of the race. The driver then will proceed to the paddock judge's office to be available to talk to the stewards.

(4) Form reversal. The stewards shall take notice of any marked reversal of form by any horse and shall conduct an inquiry of the horse's owner, trainer or other persons connected with the horse including any person found to have contributed to the deliberate restraint or impediment of a horse in order to cause it not to win or finish as near as possible to first.

(5) Fouls.

1. Extent of disqualification. Upon any claim of foul submitted to them, the stewards shall determine the extent of any disqualification and shall place any horse found to be disqualified behind others in the race with which it interfered or the stewards may place the offending horse last in the race.

2. Coupled entry. When a horse is disqualified under this rule and that horse was part of a coupled entry and, in the opinion of the stewards, the act which led to the disqualification served to unduly benefit the other part of the coupled entry, the stewards may, at their discretion, disqualify the other part of the entry.

(6) Protests and complaints. The stewards shall investigate promptly and render a decision in every protest and complaint made to them. They shall keep a record of all protests and complaints and any rulings made by the stewards and file reports daily with the administrator.

1. Involving fraud. Protests involving fraud may be made by any person at any time to the stewards.

2. Not involving fraud. Protests arising out of the contesting of a race may be filed only by the owner of a horse, authorized agent, the trainer, or the driver of the horse in the race over which the protest is made. The protest must be made to the stewards before the race is declared official.

3. Prize money of protested horse. During the time of determination of a protest, any money or prize won by a horse protested or otherwise affected by the outcome of the race shall be paid to and held by the horsemen's accountant until the protest is decided.

4. Protest in writing. A protest, other than one arising out of the actual contesting of a race, must be in writing, signed by the complainant, and filed with the stewards one hour before post time of the race out of which the protest arises.

5. Frivolous protests. No person or licensee shall make a frivolous protest nor may any person withdraw a protest without the permission of the stewards.

9.2(7) Racing secretary.

a. General authority. The racing secretary is responsible for setting the conditions for each race of the meeting, regulating the nomination of entries, determining the amounts of purses and to whom they are due and the recording of racing results. The racing secretary shall permit no person other than licensed racing officials to enter the racing secretary's office or work areas until such time as all entries are closed, drawn, or smoked. Exceptions to this rule must be approved by the stewards.

(1) Minimum purse. Thirty days prior to the opening of a race meeting, the association shall present to the commission for approval the proposed purse structure for the race meeting, including the minimum purse to be offered. Any contract with an organization representing the horsemen shall also be presented for commission approval at this time.

(2) Purse supplements for registered Iowa-bred horses. The commission shall also approve the proposed plan for purse supplements for the owners of registered Iowa-bred horses to be funded by the breakage as provided in Iowa Code section 99D.12.

b. Conditions. The secretary shall establish the conditions and eligibility for entering the races of the meeting and cause them to be published to owners, trainers and the commission and be posted in the racing secretary's office. Corrections to the conditions must be made within 24 hours of publication.

c. Posting of entries. Upon the completion of the draw each day, the race secretary shall post a list of entries in a conspicuous location in the race office and make the list available to the media.

d. Stakes and entrance money records. The race secretary shall be caretaker of the permanent records of all stakes, entrance moneys and arrears paid or due in a race meeting and shall keep permanent records of the results of each race of the meeting.

e. Winnings—all inclusive. For the purpose of the setting of conditions by the race secretary, winnings shall be considered to include all moneys and prizes won up to the time when entries close, but winnings on the closing date of eligibility shall not be considered.

f. Cancellation of a race. The secretary has the authority to withdraw, cancel or change any race which has not been closed. In the event the canceled race is a stakes race, all subscriptions and fees paid in connection with the race shall be refunded.

g. Coggins test or equine infectious anemia. The racing secretary shall ensure that all horses have a current negative Coggins test or negative equine infectious anemia test. The racing secretary shall report all expired certificates to the board of stewards.

h. Rejection of declaration.

(1) The race secretary may reject the declaration on any horse whose eligibility certificate was not in possession of the race secretary on the date the condition book is published.

(2) The race secretary may reject the declaration on any horse whose past performance indicates that the horse would be below the competitive level of other horses declared, provided the rejection does not result in a race being canceled.

i. Eligibility certificates. The race secretary will receive and keep the eligibility certificate of horses competing at the racetrack or stabled on the grounds of member tracks and to return same to the owner of a horse or the owner's representative upon request.

j. Declaration blanks. The race secretary will examine all declaration blanks to verify all information set forth therein.

k. Verify eligibility. The race secretary will check the eligibility of all horses drawn in to race and verify the horses' eligibility with the stewards/judges.

9.2(8) Paddock judge.

a. General authority. The paddock judge shall:

(1) Be in charge of the paddock and shall have general responsibility for the inspection of horses and for the equipment used.

(2) Attempt to maintain consistency in the use of equipment on individual horses.

(3) Supervise paddock gate men.

b. Duties.

(1) Require that a farrier be in the paddock prior to each race to ensure that all horses are properly shod.

(2) Exclude from the paddock all those persons who have no immediate business with the horses entered in a race and report rule violations in the paddock area to the stewards.

(3) Get the fields on the racetrack for post parades.

(4) Properly check in and check out horses and drivers.

(5) Immediately notify the stewards of anything that could in any way change, delay, or otherwise affect the racing program.

(6) Report to stewards any observed cruelty to a horse.

9.2(9) Horse identifier.

a. General authority. The horse identifier shall be present for each race and shall inspect each horse prior to its departure from the paddock to the post for identification to include tattoo number, color, and any markings.

b. Report violations. Any discrepancy detected in the tattoo number, color or markings of a horse shall be reported immediately to the paddock judge, who shall in turn report same forthwith to the stewards.

9.2(10) Clerk of the course. The clerk of the course shall be responsible for:

a. Keeping and verifying the stewards/judges' book and eligibility certificates provided by the U.S.T.A./C.T.A. and record therein all required information:

(1) Names and addresses of owners;

(2) The standard symbols for medications, where applicable;

(3) Notations of placing, disqualifications and claimed horses;

(4) Notations of scratched or ruled out horses;

(5) Returning the eligibility certificate to the horse's owner or the owner's representative after the race, when requested;

(6) Notifying owners and drivers of penalties assessed by the officials;

(7) Assisting in drawing post positions, if requested; and

(8) Maintaining the stewards/judges' list.

b. Reserved.

9.2(11) Starter.

a. General authority. The starter is responsible to provide a fair start for each race.

b. Violations. The starter shall report to the stewards any violations of these rules occurring in the starting of a race.

c. Disciplinary action. The official starter may recommend fines or suspension of the licenses of drivers for any violations of these rules from the formation of the parade until the word "go" is given to the stewards/judges.

9.2(12) Timer.

a. General authority. Each association shall provide for each race an official timer who shall occupy the timer's stand or other appropriate place to observe the contesting of each race. The official timer shall accurately record the time elapsed between the start and finish of each race. The chief timer shall sign the stewards' book for each race verifying the correctness of the record.

b. Timing procedure. The time shall be recorded from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line. The time of the leading horse at the quarter, half, three-quarters and the finish shall be taken.

c. Timing races.

(1) In every race, the time of each heat shall be accurately recorded by two timers or an approved electrical timing device, in which case, there shall be one timer.

(2) Times of heats shall be recorded in minutes, seconds and fifths of a second.

(3) Immediately following each heat, the elapsed time of the heat shall be publicly announced or posted, or both, on the totalizator board.

(4) No unofficial timing shall be announced, posted or entered in the official record.

9.2(13) Patrol judges.

a. General authority. An association may employ patrol judges who shall observe the contesting of the race and report the following to the stewards:

(1) Violation of the racing rules.

(2) Violation of the rules of decorum.

(3) Lameness or unfitness of any horse.

(4) Lack of proper racing equipment.

(5) Any action on the track which could improperly affect the result of a race.

b. Duty stations. Each patrol judge shall have a duty station assigned by the stewards.

9.2(14) Placing judges.

a. General authority. It is the duty of the placing judges to determine the winner of each race and the order of finish for each of the remaining horses in the race. In case of a difference of opinion among the judges, the majority opinion shall govern. In determining places at the finish of a race, the placing judges shall consider only the noses of the placing horses.

b. Corrections. The placing judges, with approval of the stewards, may correct errors in their determination of the placing of horses at the finish before the display of the official sign, or if the official's sign has been displayed in error, after that display. If the display is in error, no person shall be entitled to any proceeds of the pari-mutuel pool on account of the error.

c. The stewards' decision on the race shall be final.

9.2(15) Commission veterinarians.

a. The commission shall employ graduate veterinarians licensed to practice in the state of Iowa at each race meeting as provided in Iowa Code section 99D.23. The veterinarians shall advise the commission and the stewards on all veterinary matters.

b. The commission veterinarians shall have supervision and control of the detention barn for the collection of test samples for the testing of horses for prohibited medication as provided in Iowa Code sections 99D.23 and 99D.25. The commission may employ persons to assist the commission veterinarians in maintaining the detention barn area and collecting test samples.

c. The commission veterinarians shall not buy or sell any horse under their supervision; shall not wager on a race under their supervision; and shall not be licensed to participate in racing in any other capacity.

d. Prerace examination. The stewards or commission veterinarians may request that any horse entered in a race undergo an examination on the day of the race to determine the general fitness of the horse for racing. During the examination, all bandages shall be removed by the groom upon request and the horse may be exercised outside the stall to permit the examiner to determine the condition of the horse's legs and feet. The examining veterinarian shall report any unsoundness in a horse to the stewards.

e. Inspection prior to and following a race. All of the horses in a race shall be inspected during warm-ups and in the paddock by a commission veterinarian. After the finish of a race, the veterinarian shall observe the horses upon their leaving the track.

f. The commission veterinarian shall place any horse determined to be sick or too unsafe, unsound or unfit to race on a veterinarian's list which shall be posted in a conspicuous place available to all owners, trainers, and officials.

g. A horse placed on the veterinarian's list may be allowed to enter only after it has been removed from the list by the commission veterinarian. Requests for the removal of any horse from the veterinarian's list will be accepted only after three calendar days from the placing of the horse on the veterinarian's list have elapsed. Removal from the list will be at the discretion of the commission veterinarian and the commission veterinarian may require satisfactory workouts or examinations to adequately demonstrate that the problem that caused the horse to be placed on the list has been rectified.

h. The commission veterinarians shall perform the duties and responsibilities regarding:

(1) The administration of lasix and phenylbutazone;

(2) Postmortem examination on all horses which have expired or been euthanized on racetrack grounds; and

(3) Receipt of veterinary reports as required by Iowa Code section 99D.25.

9.2(16) Driver room custodian. The driver room custodian shall have the following duties:

a. Maintain order, decorum and cleanliness in the driver's room.

b. Ensure that no person other than representatives of the commission, association, and drivers are admitted to the driver's room on a racing day except by permission of the stewards and ensure that no unauthorized personnel are permitted in the driver's room after the final race on racing days.

c. Ensure that drivers are neat in appearance and properly attired when they leave the driver's room to drive in a race.

d. Report any rule violations within the driver's room to stewards.

e. Assign to drivers a locker capable of being locked for the use of the driver in storing clothing, equipment and personal effects.

9.2(17) Licensed charter. The charting of races is mandatory and the track shall employ a licensed charter from the U.S.T.A.

491—9.3(99D) Trainer and driver responsibilities.**9.3(1) *Trainer.*****a. *Responsibility.***

(1) Absolute insurer. Trainers are responsible for and are the absolute insurers of the condition of the horses in their care and custody and for the conditions and contents of stalls, tack rooms, feed rooms, and other areas which have been assigned them by the association. Trainers are the absolute insurers of the condition of the horses in their care and custody during the race and are liable for the presence of any drug, medication, or any other prohibited substance in the horse during the race. A trainer whose horse has been claimed remains responsible for the horse under this rule until after the collection of required urine or blood specimens. The licensed trainer of a horse found to have been administered a medication, drug, or foreign substance in violation of these rules or Iowa Code chapter 99D shall have the burden of proof showing freedom from negligence in the exercise of a high degree of care in safeguarding the horse from tampering; and, failing to prove freedom from negligence, shall be subject to disciplinary action.

(2) The assistant trainer, groom or any other person having immediate care and custody of a horse found to have been administered a medication, drug, or foreign substance in violation of these rules or Iowa Code chapter 99D, found negligent in guarding or protecting the horse from tampering shall be subject to disciplinary action.

(3) Licensed trainers shall maintain the barn area assigned to them in a clean, neat and sanitary condition at all times and ensure that fire prevention rules are strictly observed in those areas.

(4) Report of illness or sex alteration. Trainers shall report immediately to the stewards and the commission veterinarian any illness in a horse entrusted to their care presenting unusual or unknown symptoms. Any alteration in the sex of a horse must be reported and noted by the trainer to the racing secretary or horse identification office immediately, and that office must note the same on the eligibility certificate.

(5) On a form provided by track security, trainers shall register with track security the names of all employees. This form must be presented to track security not later than 24 hours after the arrival of any personnel. All changes must be made not later than 24 hours after taking place.

(6) Trainers shall register with the racing secretary, on a form provided by the racing secretary, all horses which are intended to race at the meeting stating their names, age, sex, color, breeding, and the names of any and all persons having any interest in said horse(s). This registration must be presented to the racing secretary immediately upon arrival of the trainer and all changes must be reported within 24 hours after taking place.

(7) Trainer at paddock. A trainer or assistant must be present with the horse in the paddock and shall supervise the preparation of the horse to race unless the stewards permit a substitute trainer to perform those duties. Every trainer who brings a horse to the paddock warrants that the horse is qualified for the race, is ready to race and is in physical condition to exert its best efforts, and is entered with the intention to win.

(8) Paddock time. A trainer shall present the horse in the paddock at the time so designated by the steward prior to post time before the race in which the horse is entered. Except for warm-up trips, no horse shall leave the paddock until called to the post.

(9) Coggins test certificate or equine infectious anemia. Each trainer shall maintain for each horse under the trainer's care a valid certificate indicating that the horse has a negative Coggins test or a negative test for equine infectious anemia and attach it to the horse's eligibility certificate. The test must have been conducted within the previous 12 months and must be repeated upon expiration.

(10) The transfer of ownership of a horse or the change of trainers must be presented to the stewards in writing and approved by the stewards before any entry is made reflecting the change. The transfer or attempt to transfer a horse to circumvent a commission rule or order is prohibited.

(11) Three-day absence. Trainers shall not be absent from their stable or from the association premises where their horses are racing for more than three full days unless they have delegated responsibility for the horses in their care to another licensed trainer. In the event of a delegation, the temporary trainer shall accept, in writing and in the presence of the stewards, the responsibility for the horses.

b. Prohibited acts.

(1) Entry ineligible. No trainer shall enter or start a horse in any race if the horse is ineligible under these rules or the laws of this state related to racing.

(2) Employees.

1. Unlicensed veterinarian. No trainer shall employ a veterinarian who is not licensed by both this state's veterinary regulatory authority and the commission.

2. Minor. No trainer shall employ any person under the age of 16. Persons under the age of 16 may be allowed to work for their parents if one of their parents is present during working hours.

(3) Training for suspended persons. No trainer shall train or be responsible for any horse that is wholly or partly owned by a person under suspension by the stewards or the commission.

9.3(2) Driver.

a. Driving duty. Every driver shall participate when programmed unless excused by the stewards.

b. Driver suspension.

(1) Offenses involving fraud. Suspension of a license for an offense involving fraud or deception of the public or another participant in racing shall begin immediately after the ruling unless otherwise ordered by the stewards or commission.

(2) Offenses not involving fraud. Suspension for an offense not involving fraud or deception of the public or another participant in racing shall begin on the third day after the ruling or at the stewards' discretion subject to the following. Where the penalty is for a driving violation and does not exceed five days, the driver may complete the engagement of all horses declared in before the penalty becomes effective. The driver may drive in stake, futurity, early closing and feature races, during a suspension of five days or less, but the suspension will be extended one day for each date the driver drives.

(3) Withdrawal of appeal. Withdrawal by the appellant of a notice of appeal filed with the commission whenever imposition of the disciplinary action has been stayed or enjoined pending a final decision by the commission shall be deemed a frivolous appeal and referred to the commission for further disciplinary action in the event the appellant fails to show good cause to the commission why the withdrawal should not be deemed frivolous.

c. Driving colors. Drivers must wear distinguishing colors and clean white pants and shall not be allowed to start in a race or other public performance unless, in the opinion of the stewards, they are properly dressed. No person shall drive a horse during the time when colors are required on the race-track unless wearing a protective helmet, painted as registered or of compatible colors, and having a chin strap in place. The helmet shall be approved by the stewards.

d. Driver betting. No driver, trainer, or owner of a horse shall bet or cause any other person to bet on their behalf on any other horse in any race in which they shall start a horse driven, trained, or owned by them, or which they in any way represent or handle or in which they have an interest. No such person shall participate in exacta, quinella or other multiple-pool wagering on a race in which such horse starts other than the daily double.

491—9.4(99D) Conduct of races.

9.4(1) Horses ineligible. Any horse ineligible to be entered for a race, or ineligible to start in any race, that competes in that race may be disqualified and the stewards may discipline the persons responsible for that horse competing in that race. A horse is ineligible to start a race when:

a. The horse is not stabled on the grounds of the licensed association by the time so designated by the stewards, or

b. The U.S.T.A. or C.T.A. eligibility certificate has not been examined by the racing secretary, or horse identifier, and determined to be proper and in order, or

c. The horse is not fully identified by an official tattoo on the inside of the upper lip, or

d. With respect to a horse that is entered for the first time, the nominator has failed to identify the horse by name, color, sex and age, names of sire and dam as registered, and present owner and trainer, or

e. A horse is brought to the paddock and is not in the care of and harnessed by a trainer or assistant trainer, or

f. A horse has been knowingly entered or raced in any jurisdiction under a different name, with an altered eligibility certificate, or altered lip tattoo by a person having lawful custody or control of the horse for the purpose of deceiving any association or regulatory agency, or

g. A horse has been allowed to enter or start by a person having lawful custody or control of the horse who participated in, or assisted in the entry of racing of some other horse under the name of the horse in question, or

h. A horse is wholly or partially owned by a disqualified person or a horse is under the direct or indirect management of a disqualified person, or

i. A horse is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person, in such cases, is being presumed that the disqualified person and spouse constitute a single financial entry with respect to the horse, which presumption may be rebutted, or

j. A horse has no current negative Coggins test certificate or negative equine infectious anemia test attached to the eligibility certificate, or

k. The stakes or entrance money for the horse has not been paid, or

l. A horse appears on the starter's list, steward's list, paddock list, or veterinarian's list, or

m. A horse is a first-time starter not meeting qualifications standards for the race meeting, or

n. A horse is owned in whole or in part by an undisclosed person of interest, or

o. The owner or trainer is not licensed by the commission before the start of a race, or

p. A horse is subject to a lien that has not been approved by the stewards and filed with the horse-man's bookkeeper, or

q. A horse is subject to a lease not filed with the stewards, or

r. A horse is not in sound racing condition, or

s. A horse has been nerved by surgical neurectomy, or

t. A horse has been trachea-tubed to artificially assist breathing, or

u. A horse has been blocked with alcohol or injected with any other foreign substance or drug to desensitize the nerves of the leg, or

v. A horse has impaired eyesight in both eyes, or

w. A horse appears on the starters' list, stewards' list, or veterinarians' list and is barred from racing in any racing jurisdiction, or

x. A horse has started in any race on the previous calendar day.

9.4(2) Registration. All matters relating to registration of standardbred horses shall be governed by the rules of the U.S.T.A.

9.4(3) Eligibility certificate. A track may refuse to accept any declaration without the eligibility certificate for the proper gait first being presented. Fax or telephone declarations may be sent and accepted without penalty, provided the declarer furnished adequate program information, but the eligibility certificate must be presented when the horse arrives at the track before it races. The racing secretary shall check each certificate and certify to the stewards as to the eligibility of all the horses.

9.4(4) Canadian track information. Prior to the declaration, owners of horses having Canadian eligibility certificates shall furnish the racing secretary with a Canadian eligibility certificate completely filled out for the current year, which has a U.S.T.A. validation certificate attached.

9.4(5) Foreign entries. No eligibility certificate will be issued on a horse coming from a country other than Canada unless the following information certified by the trotting association or governing body of that country from which the horse comes is furnished:

a. The number of starts during the preceding year, together with the number of firsts, seconds and thirds for each horse, and the total amount of money won during this period.

b. The number of races in which the horse has started during the current year, together with the number of firsts, seconds and thirds for each horse and the money won during this period.

c. A detailed list of the last six starts giving the date, place, track condition, post position or handicap, if it was a handicap race, distance of the race, position at the finish, the time of the race, the driver's name and the first three horses in the race.

9.4(6) *Time bars.* No time records or bars shall be used as an element of eligibility.

9.4(7) *Date when eligibility is determined.*

a. Horses must be eligible when entries close but winnings on the closing date of eligibility shall not be considered.

b. In mixed races, trotting and pacing, a horse must be eligible to the class at the gait at which it is stated in the entry the horse will perform.

9.4(8) *Conflicting conditions.* In the event there are conflicting published conditions and neither is withdrawn by the track, the more favorable to the nominator shall govern.

9.4(9) *Standards for overnight events.* Where time standards are established at a meeting for both trotters and pacers, trotters shall be given a minimum of two seconds' allowance in relation to pacers.

Posting of overnight conditions. At extended pari-mutuel meetings, condition books will be prepared and races may be divided or substituted races may be used only where regularly scheduled races fail to fill except where they race less than five days a week. Books containing at least three days' racing programs will be available to horsemen at least 24 hours prior to closing declarations on any race program contained. When published, the conditions must be clearly stated and not printed as TBA—To Be Announced. The racing secretary shall forward copies of each condition book and overnight sheet to the commission and U.S.T.A. office as soon as it is available to the horsemen.

9.4(10) *Supplemental purse payments.* Supplemental purse payments made by a track after the termination of a meeting will be charged and credited to the winnings of any horse at the end of the racing year in which they are distributed and will appear on the eligibility certificate for the subsequent year. Distribution shall not affect the current eligibility until placed on the next eligibility certificate.

9.4(11) *Rejection of declaration.*

a. The racing secretary may reject the declaration on any horse whose eligibility certificate was not in their possession on the date the condition book is published.

b. The racing secretary may reject the declaration on any horse whose past performance indicates that it would be below the competitive level of other horses declared, provided the rejection does not result in a race being canceled.

9.4(12) *Substitute and divided races.*

a. Substitute races may be provided for each day's program and shall be so designated. Entries in races not filling shall be posted. A substitute race or a race divided into two divisions shall be used only if regularly scheduled races fail to fill.

b. If a regular race fills, it shall be raced on the day it was offered.

c. Overnight events and substitutes shall not be carried to the next racing day.

9.4(13) *Qualifying races.* A horse qualifying in a qualifying race for which no purse is offered shall not be deprived by reason of that performance of the right to start in any conditioned race.

9.4(14) *Definition of "start."* The definition of the word "start" in any type of condition unless specifically so stated will include only those performances in a purse race. Qualifying and matinee races are excluded.

9.4(15) *Claiming races.*

a. *Eligibility.*

(1) Registered to race or open claiming certificate. No person may file a claim for any horse unless the person:

1. Is a licensed owner at the meeting or the licensed authorized agent for an owner authorized to claim. The owner must be registered in good faith for racing or have started a horse at the meeting; or

2. Has a valid open claim certificate. Any person not licensed as an owner or a licensed agent for the account of such person may request an open claim certificate from the commission. The person must submit a completed application for a prospective owner's license to the commission. The applicant must have the name of the trainer licensed or eligible to be licensed by the commission who will be responsible for the claimed horse. A nonrefundable fee must accompany the application along with any financial information requested by the commission. The names of the prospective owners shall be prominently displayed in the offices of the commission and the racing secretary. The application will be processed by the commission and, when the open claim certificate is exercised, an owner's license will be issued.

3. Is a current active member of the U.S.T.A.

(2) One stable claim. No stable which consists of horses owned by more than one person and which has a single trainer may submit more than one claim in any race and an authorized agent may submit only one claim in any race regardless of the number of owners represented.

b. Prohibitions.

(1) No person shall claim the person's own horse nor shall the person claim a horse trained or driven by the person.

(2) No person shall claim more than one horse in a race.

(3) No qualified owner or the owner's agent shall claim a horse for another person or file a false claim.

(4) No owner shall cause the owner's horse to be claimed directly or indirectly for the owner's own account.

(5) No person shall offer, or enter into an agreement, to claim or not to claim or attempt to prevent another person from claiming any horse in a claiming race.

(6) No person shall enter a horse against which there is a mortgage, bill of sale, or lien of any kind, unless the written consent of the holder shall be filed with the clerk of the course of the track conducting the claiming race.

(7) Where a horse drawn to start in a claiming race has been declared to start in a subsequent claiming race, a successful claimant, if any, of the horse in the first race shall have the option of scratching the horse from the subsequent race.

(8) Any mare which has been bred shall not be declared into a claiming race for at least 45 days following the last breeding of the mare, and thereafter the mare may only be declared into a claiming race after a veterinarian has pronounced the mare not to be in foal. Any mare pronounced in foal shall not be declared into a claiming race.

c. Claiming procedure.

(1) Claimant's credit. The claimant must have a credit with the track in an amount equivalent to the specified claiming prize applicable taxes, plus the required fees for transfer of registration.

(2) Owner's consent. No declaration may be accepted unless written permission in the form of a claiming authorization of the owner is filed with the stewards at the time of declaration.

(3) Program. The claiming price shall be printed on the program and all claims shall be for the amount so designated and any horse entered in a claiming race may be claimed for the designated amount.

d. Claim box.

(1) The claim box shall be approved by the commission and kept locked until ten minutes prior to the start of the race, when it shall be presented to the stewards or their designee for opening and publication of the claims.

(2) The claim box shall also include a time clock which automatically stamps the time on the claim envelope prior to its being dropped in the box.

(3) No official of an association shall give any information as to the filing of claims therein until after the race has been run.

e. Claim irrevocable. After a claim has been filed in the locked box, it shall not be withdrawn.

f. Multiple claims on single horse. If more than one claim is filed on a horse, the successful claim shall be determined by lot conducted by the stewards or their representatives.

g. Successful claims; later races.

(1) Sale or transfer. No successful claimant may sell or transfer a horse, except in a claiming race, for a period of 30 days from the date of claim.

(2) Eligibility price. A claimed horse may not start in a race in which the claiming price is less than 25 percent more than the amount for which it was claimed for a period of 30 days and no right, title or interest therein shall be sold or transferred except in a claiming race for a period of 30 days following the date of claiming. The day claimed shall not count but the following calendar day shall be the first day. The horse shall be entitled to enter whenever necessary so the horse may start on the thirty-first calendar day following the claim for any claiming price. The horse shall be required to continue to race at the track where claimed for the balance of the current race meeting.

(3) Racing elsewhere. A horse which was claimed under these rules may not participate at a race meeting other than that at which it was claimed until the end of the meeting, except with written permission of the stewards. This limitation shall not apply to stakes races.

(4) Same management. A claimed horse shall not remain in the same stable or under the control or management of its former owner.

(5) When a horse is claimed out of a claiming race, the horse's engagements are included.

h. Transfer after claim.

(1) Forms. Upon a successful claim, the stewards shall issue in triplicate, upon forms approved by the administrator, an authorization of transfer of the horse from the original owner to the claimant. Copies of the transfer authorization shall be forwarded to and maintained by the commission, the stewards, and the race secretary. No claimed horse shall be delivered by the original to the successful claimant until authorized by the stewards. Every horse claimed shall race in all heats or dashes of the event in the interest and for the account of the owner who declared it in the event, but title to the claimed horse shall be vested in the successful claimant from the time the word "go" is given in the first heat or dash, and said successful claimant shall become the owner of the horse, whether it be alive or dead or sound or unsound, or injured during the race or after it.

(2) Other jurisdiction rules. The commission will recognize and be governed by the rules of any jurisdiction regulating title and claiming races when ownership of a horse is transferred or affected by a claiming race conducted in that other jurisdiction.

(3) Determination of sex and age. The claimant shall be responsible for determining the sex and age of the horse claimed notwithstanding any designation of sex and age appearing in the program or in any racing publication. In the event of a spayed mare, the (S) for spayed should appear next to the mare's name on the program. If it does not and the claimant finds that the mare is in fact spayed, claimant may then return the mare for full refund of the claiming price.

(4) Affidavit by claimant. The stewards may, if they determine it necessary, require any claimant to execute a sworn statement that the claimant is claiming the horse for the claimant's own account or as an authorized agent for a principal and not for any other person.

(5) Delivery required. A horse claimed shall be delivered immediately by the original owner or the owner's trainer to the successful claimant upon authorization of the stewards. Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended together with the horse until delivery is made.

(6) Obstructing rules of claiming. No person or licensee shall obstruct or interfere with another person or licensee in claiming any horse nor enter an agreement with another to subvert or defeat the object and procedures of a claiming race or attempt to prevent any horse entered from being claimed.

i. *Elimination of stable.* An owner whose stable has been eliminated by claiming may claim for the remainder of the meeting at which eliminated or for 30 racing days, whichever is longer, with the permission of the stewards. Stables eliminated by fire or other casualty may claim under this rule.

j. *Deceptive claim.* The stewards may cancel and disallow any claim within 24 hours after a race if they determine that a claim was made upon the basis of a lease, sale, or entry of a horse made for the purpose of fraudulently obtaining the privilege of making a claim. In the event of a disallowance, the stewards may further order the return of a horse to its original owner and the return of the claims money.

k. *Protest of claim.* A protest to any claim must be filed with the stewards before noon of the day following the date the horse was claimed. Nonracing days are excluded from this rule.

l. *Scratched horse.* A horse scratched from a claiming race is not eligible to be claimed. The owner or trainer of a horse entered in a subsequent claiming race may request the steward to scratch the horse from that race.

m. *Claiming price paid.* The track shall pay the claiming price to the owner at the time the registration certificate is delivered for presentation to the successful claimant.

n. *Claiming conditions.* Whenever possible, claiming races shall be written to separate horses five years old and up from young horses and to separate males from females. If sexes are mixed, mares shall be given a 20 percent minimum price allowance; provided, however, that there shall be no price allowance given to a spayed mare racing in a claiming race. An allowance for age shall be given. Two-year-olds shall be given a 100 percent allowance, three-year-olds, 50 percent allowance, and four-year-olds, 25 percent allowance. Claiming races for two-year-olds may be conditioned. Claiming races for three-year-olds may be conditioned. The lowest claiming class written at a specific meeting may be conditioned. Horses eligible for multiple allowances shall be granted only the highest allowance.

o. *Minimum price.* No claiming race shall be offered permitting claims for less than the minimum purse offered at the time during the same racing week.

p. *Determination of claiming price.* Except as provided, no horse owner shall be prohibited from determining the price for which the owner's horse shall be entered.

q. *Eligibility certificate.* The current eligibility certificate of all horses entered in claiming races must be on file with the racing secretary. Registration papers and a separate claiming authorization form signed by the registered owner or owners and indicating the minimum amount for which the horse may be entered to be claimed will be on file with the stewards. To facilitate transfer of claimed horses, the presiding steward may sign the transfer provided that the clerk of course then sends the registration certificate and claiming authorization to the U.S.T.A. registrar for transfer.

r. *Fraudulent claim.*

(1) If the stewards determine that the declaration of any horse to a claiming race is fraudulent on the part of the declarer, they may void the claim and, at the option of the claimant, order the horse returned to the person declaring it in the race.

(2) If the stewards determine that any claim of a horse is fraudulent on the part of the person making the claim, they may void the claim and may, at the option of the person declaring it in the race, return the horse to the person declaring it in the race.

9.4(16) Entries. All entries must:

a. Be made in writing.

b. Be signed by the owner or authorized agent, except as provided in this chapter.

c. Give name and address of both the bona fide owner and agent or registered stable name or lessee.

d. Give name, color, sex, sire and dam of horse.

e. Name the event or events in which the horse is to be entered.

9.4(17) Entries and starters; split races.

a. *Entries required.* Tracks must specify how many entries are required for overnight events and after the condition is fulfilled, the event must be contested.

b. Elimination heats or two divisions. In any race where the number of horses declared in to start exceeds 11 on a half-mile track, or 14 on a larger track, unless lesser numbers are specified in the conditions of the race, the race, at the option of the track management conducting same, stated before positions are drawn, may be raced in elimination heats.

In the absence of conditions providing for a lesser number of starters, no more than two tiers of horses, allowing eight feet per horse, will be allowed to start in any race.

c. Elimination plans.

(1) Whenever elimination heats are required, or specified in the published conditions, the race shall be raced in the following manner unless otherwise stated in the condition or conducted under another segment of these rules. The field shall be divided by lot and the first division shall race a qualifying dash for 30 percent of the purse, the second division shall race a qualifying dash for 30 percent of the purse and the horses so qualified shall race in the main event for 40 percent of the purse. The winner of the main event shall be the race winner.

(2) In the event there are more horses declared to start than can be accommodated by the two elimination dashes, then there will be added enough elimination dashes to take care of the excess. The percent of the purse raced for each elimination dash will be determined by dividing the number of elimination dashes into 60. The main event will race for 40 percent of the purse.

(3) Unless the conditions provide otherwise, if there are two elimination dashes, the first four finishers in each dash qualify for the final; if there are three or more elimination dashes, not more than three horses will qualify for the final from each qualifying dash.

(4) The stewards shall draw the positions in which the horses are to start in the main event by one of the following methods, as prescribed by the sponsor in the conditions for the event:

1. They shall draw positions to determine which of the dash winners has the pole and which the second position; which of the two horses that have been second shall start in third position; and which in fourth, and subsequent positions, or

2. They shall have an open draw to determine the positions in which the horses are to start in the main event; that is, all positions shall be drawn by lot from among all horses qualified for the main event. In the event the sponsor fails to prescribe in the conditions for the event the method to be used for the drawing of post positions, the provisions of paragraph "1" above shall apply.

d. Overnight events. In overnight events at extended pari-mutuel meetings, not more than eight horses shall be allowed to start on a half-mile track and not more than ten horses on larger tracks.

e. Qualifying race for stake. Where qualifying races are provided in the conditions of any early closing event, stakes or futurity, the qualifying race must be held not more than seven days prior to contesting the main event and omitting the day of the race.

9.4(18) Declaration to start; drawing horses.

a. Declaration.

(1) Declaration time shall be determined by the board of stewards.

(2) No horse shall be declared to start in more than one race on any one racing day.

(3) Declaration box. The association shall provide a locked box with an aperture through which declarations shall be deposited.

(4) Responsibility for declaration box. The stewards shall be in charge of the declaration box.

(5) Search for declarations by the steward before opening box. Just prior to opening of the box at extended pari-mutuel meetings where futurities, stakes, early closing or late closing events are on the program, the steward shall check with the racing secretary to ascertain if any declarations by mail, fax, or otherwise, are in the office and not deposited in the entry box and shall see that they are declared and drawn in the proper event.

(6) Opening of declaration box. Entry box and drawing of horses at extended pari-mutuel meetings. The entry box shall be opened by the steward at the advertised time and the steward will be responsible to see that at least one horseman or the horseman's official representative is present. No owner or agent for a horse with a declaration in the entry box shall be denied the privilege of being present. Under the supervision of the steward, all entries shall be listed, the eligibility verified, the preference ascertained, starters selected and post positions drawn. If it is necessary to reopen any race, public announcement shall be made at least twice and the box reopened to a definite time.

(7) Drawing of post positions for second heat in races of more than one dash or heat. In races of a duration of more than one dash or heat, the stewards may draw post positions from the stand for succeeding dashes or heats.

(8) Declarations by mail, fax or telephone. Declarations by mail, fax, or telephone actually received and evidence of which is deposited in the box before the time specified to declare shall be drawn in the same manner as the others. Drawings shall be final. Mail, telephone and fax declarations must state the name and address of the owner or lessee; the name, color, sex, sire and dam of the horse; the name of the driver and colors; the date and place of last start; a current summary, including the number of starts, firsts, seconds, thirds, earnings and best winning time for the current year; and the event or events in which the horse is to be entered.

(9) Effect of failure to declare on time. When a track requires a horse to be declared at a stated time, failure to declare as required shall be considered a withdrawal from the event.

(10) Drawings of horses after declaration. After declaration to start has been made, no horse shall be drawn except by permission of the stewards.

(11) Horses omitted through error. Drawings shall be final unless there is conclusive evidence that a horse properly declared was omitted from the race through the error of a track or its agent or employee in which event the horse shall be added to the race but given the last post position, provided the error is discovered prior to scratch time or the printing of the program, whichever is sooner. However, in the case of early closers of more than \$10,000 and stake and futurity races, the race shall be redrawn. This shall not apply at extended pari-mutuel meetings in overnight events.

b. Qualifying races. At all extended pari-mutuel meetings, eligibility to declare for overnight events shall be governed by the following:

(1) Within 30 days of being declared in, a horse that has not raced previously at the gait chosen must go through a qualifying race under the supervision of a steward and acquire at least one charted line by a licensed charter. In order to provide complete and accurate chart information on time and beaten lengths, a standard photo finish shall be in use.

(2) A horse that does not show a charted line for the previous season, or a charted line within its last six starts, must go through a qualifying race as set forth above. Uncharted races contested in heats of more than one dash and consolidated according to subparagraph (4) below will be considered one start.

(3) A horse that has not started at a charted meeting by April 1 of a season must go through a qualifying race and meet the qualifying standards of the meet.

(4) When a horse has raced at a charted meeting during the current season, then gone to meetings where the races are not charted, the information from the uncharted races may be summarized, including each start, and consolidated in favor of charted lines. The requirements of subparagraph (2) above would not then apply.

(5) The consolidated line shall carry date, place, time, driver, finish, track condition and distance if race is not at one mile.

(6) The stewards may require any horse that has been on the steward's list to go through a qualifying race. If a horse has raced an individual time not meeting the qualifying standards for that class of horse, the horse may be required to go through a qualifying race.

(7) The stewards may permit a fast horse to qualify by means of a timed workout consistent with the time of the races in which it will compete in the event adequate competition is not available for a qualifying race. A horse that is on the steward's list for breaks or refusing to come to the gate must qualify in a qualifying race.

(8) To enable a horse to qualify, qualifying races should be held at least one full week prior to the opening of any meeting and shall be scheduled once a week during the meeting and through the last week of the meeting.

(9) Where a race is conducted for the purpose of qualifying drivers and not horses, the race need not be charted, timed or recorded. This subparagraph is not applicable to races qualifying both drivers and horses.

(10) If a horse takes a win race record in a qualifying race, the record must be prefaced with the letter "Q" wherever it appears, except in a case where, immediately prior to or following the race, the horse taking the record has had a specimen taken and tested. It will be the responsibility of the steward to report the results of the test on the stewards' sheet.

(11) Any horse that fails to race at a charted meeting within 30 days after having started in a current year shall start in a charted race or a qualifying race and meet the standards of the meeting before being allowed to start.

c. Coupled entries.

(1) When the starters in a race include two or more horses owned or trained by the same person, or trained in the same stable or by the same management, they shall be coupled as an "entry" and a wager on one horse in the "entry" shall be a wager on all horses in the "entry." Provided, however, that when a trainer enters two or more horses in a stake, early closing, futurity, free-for-all or other special event under bona fide separate ownerships, the horses may, at the request of the association and with the approval of the commission, be permitted to race as separate betting entries. The fact that the horses are trained by the same person shall be indicated prominently in the program. If the race is split in two or more divisions, horses in an "entry" shall be seeded insofar as possible, first by owners, then by trainers, then by stables; but the divisions in which they compete and their post positions shall be drawn by lot. The above provision shall also apply to elimination heats.

(2) The steward shall be responsible for coupling horses. In addition to the foregoing, horses separately owned or trained may be coupled as an entry where it is necessary to protect the public interest for the purpose of pari-mutuel wagering only.

(3) Whenever horses have equal preference in a race, the actual preference of said horses in relation to one another shall be determined from the most recent previous starts which do not result in equal preference.

(4) When an overnight race has been reopened because it did not fill, all eligible horses declared into the race prior to the reopening shall receive preference over other horses subsequently declared, irrespective of the actual preference dates.

d. Also eligibles. No more than two horses may be drawn as also eligibles for a race and their positions shall be drawn along with the starters in the race. In the event one or more horses are excused by the stewards, the also eligible horse or horses shall race and take the post position drawn by the horse that it replaces, except in handicap races. In handicap races the also eligible horse shall take the place of the horse that it replaces in the event that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap. No horse may be added to a race as an also eligible unless the horse was drawn as such at the time declarations closed. No horse may be barred from a race to which it is otherwise eligible by reason of its preference due to the fact that it has been drawn as an also eligible. A horse put into the race from the also eligible list cannot be drawn except by permission of the stewards, but the owner or trainer of the horse shall be notified that the horse is to race and it shall be posted at the racing secretary's office. All horses on the also eligible list and not moved into the race by scratch time for the race shall be released.

e. Preference.

(1) Preference shall be given in all overnight events according to a horse's last previous purse race during the current year. The preference date on a horse that has drawn to race and been scratched is the date of the race from which it was scratched.

(2) When a horse is racing for the first time in the current year, the date of the first declaration shall be considered its last race date and preference applied accordingly.

(3) If an error has been made in determining or posting a preference date and the error deprives an eligible horse of an opportunity to race, the trainer involved shall report the error to the racing secretary within one hour of the announcement of the draw. If in fact a preference date error has occurred, the race will be redrawn.

f. Steward's list.

(1) A horse that is unfit to race because it is dangerous, unmanageable, sick, lame, or unable to show a performance to qualify for races at the meeting, or is otherwise unfit to race at the meeting, may be placed on a "steward's list" by the steward, and declarations on the horse shall be refused, but the owner or trainer shall be notified in writing of such action and the reason as set forth above shall be clearly stated on the notice. When any horse is placed on the steward's list, the clerk of the course shall make a note on the eligibility certificate of such horse, showing the date the horse was put on the steward's list, the reason and the date of removal if the horse has been removed.

(2) No steward or other official at a nonextended meeting shall have the power to remove from the steward's list and accept as an entry any horse which has been placed on a steward's list and not subsequently removed for the reason that it is a dangerous or unmanageable horse. Meetings may refuse declarations on any horse that has been placed on the steward's list and has not been removed.

(3) A horse scratched from a race because of lameness or sickness may not race or enter another race for at least three days from the date scheduled to race.

g. Driver. Declarations shall state who shall drive the horse and give the driver's colors. Drivers may be changed until scratch time of the race, after which no driver may be changed without permission of the steward and for good cause. When a nominator starts two or more horses, the stewards shall approve or disapprove the second and third drivers.

9.4(19) Starting.

a. With starting gate.

(1) Starter's control. The starter shall have control of the horses from the formation of the parade until it gives the word "go."

(2) Scoring. After one or two preliminary warming up scores, the starter shall notify the drivers to fasten their helmet chin straps and come to the starting gate. During or before the parade, the drivers must be informed as to the number of scores permitted.

(3) Starting gate. The horses shall be brought to the starting gate as near one-quarter of a mile before the start as the track will permit.

(4) Speed of gate. Allowing sufficient time so that the speed of the gate can be increased gradually, the following minimum speeds will be maintained.

1. For the first one-eighth mile, not less than 11 miles per hour.

2. For the next one-sixteenth of a mile, not less than 18 miles per hour.

3. From the above point to the starting point, the speed will be gradually increased to maximum speed.

(5) On mile tracks, horses will be brought to the starting gate at the head of the stretch and the relative speeds mentioned in subparagraph (4) of this subrule will be maintained.

(6) The starting point will be a point on the inside rail a distance of not less than 200 feet from the first turn. The starter shall give the word "go" at the starting point.

(7) When a speed has been reached in the course of a start, there shall be no decrease except in the case of a recall.

(8) Recall notice. In case of a recall, a light plainly visible to the driver shall be flashed and a recall sounded and wherever possible the starter shall leave the wings of the gate extended and gradually slow the speed of the gate to assist in stopping the field of horses. In an emergency, however, the starter shall use discretion to close the wings of the gate.

(9) There shall be no recall after the word "go" has been given and any horse, regardless of position or an accident, shall be deemed a starter from the time entered into the starter's control unless dismissed by the starter.

(10) Breaking horse. The starter shall endeavor to get all horses away in position and on gait but there shall be no recall for a breaking horse.

(11) Reason for recall. The starter may sound a recall only for the following reasons:

1. A horse scores ahead of the gate.
2. There is interference.
3. A horse has broken equipment.
4. A horse falls before the word "go" is given.
5. A starting gate malfunctions.

(12) Riding in gate. No persons shall be allowed to ride in the starting gate except the starter and driver or operator, and a patrol judge, unless permission has been granted by the board of stewards.

(13) Loudspeaker. Use of a mechanical loudspeaker for any purpose other than to give instructions to drivers is prohibited. The volume shall be no higher than necessary to carry the voice of the starter to the drivers.

b. Holding horses before start. Horses may be held on the backstretch not to exceed two minutes awaiting post time, except when delayed by an emergency.

c. Two tiers. In the event there are two tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier. Whenever a horse is drawn from any tier, horses on the outside move in to fill up the vacancy.

d. Starters. The horses shall be deemed to have started when the word "go" is given by the starter and all the horses must go the course except in case of an accident, broken equipment or any other reason in which the stewards determine that it is impossible to go the course.

e. Unmanageable horse.

(1) If, in the opinion of the stewards or the starter, a horse is unmanageable or liable to cause accidents or injury to any other horse or to any driver, it may be sent to the barn. When this action is taken, the starter will notify the stewards who will in turn notify the public.

(2) A horse shall be considered unmanageable if it causes more than one recall in the same dash or heat and the horse shall be excused by the starter.

f. Post positions; heat racing. The horse winning the first heat shall take the pole (or inside position) in the succeeding heat, unless otherwise specified in the published conditions, and all others shall take their positions in the order they were placed in the last heat. When two or more horses shall have made a dead heat, their positions shall be settled by lot.

g. Shield. The arms of all starting gates shall be provided with a screen or shield in front of the position for each horse, and the arms shall be perpendicular to the rail.

h. Malfunction of the gate. Every licensed starter is required to check the starting gate for malfunctions before commencing any meeting and to practice the procedure to be followed in the event of a malfunction. Both the starter and the driver of the gate must know and practice emergency procedures, and the starter is responsible for the training of drivers in those procedures.

9.4(20) Racing and track rules.

a. Although a leading horse is entitled to any part of the track, except after selecting its position in the home stretch, neither the driver of the first horse nor any other driver in the race shall do any of the following things, which shall be considered violations of driving rules:

(1) Changing either to the right or left during any part of the race when another horse is so near that altering its position compels the horse behind to shorten its stride, or causes the driver of the other horse to pull out of its stride.

(2) Jostling, striking, hooking wheels, or interfering with another horse or driver.

(3) Crossing sharply in front of a horse or crossing over in front of a field of horses in a reckless manner, endangering other drivers.

(4) Swerving in and out or pulling up quickly.

(5) Crowding a horse or driver by "putting a wheel under them."

(6) "Carry a horse out" or "sit down in front" of a horse or taking up abruptly in front of other horses so as to cause confusion or interference among the trailing horses.

(7) Letting a horse pass inside needlessly or otherwise helping another horse to improve its position in the race.

(8) Laying off a normal pace and leaving a hole when it is well within the horse's capacity to keep the hole closed.

(9) Committing any act which shall impede the progress of another horse or cause it to "break."

(10) Changing course after selecting a position in the home stretch and swerving in or out, or bearing in or out, to interfere with another horse or cause it to change course or take back.

(11) Driving in a careless or reckless manner.

(12) Whipping under the arch of the sulky or hitting wheel disc.

(13) Kicking the horse.

(14) Drivers must set or maintain a pace comparable to the class in which they are racing. Failure to do so by going an excessively slow quarter or any other distance that changes the normal pattern, overall timing, or general outcome of the race will be considered a violation of this subrule.

(15) Crossing the inside limits of the course.

b. Complaints—reports of interference.

(1) Complaints. All complaints by drivers of any foul driving or other misconduct during the heat must be made to the starter at the termination of the heat, unless the driver is prevented from doing so by an accident or injury. Any driver desiring to enter a claim of foul or other complaint of violation of the rules must before dismounting indicate to the starter the desire to enter the claim or complaint and upon dismounting shall proceed to the telephone or stewards' stand where and when the claim, objection, or complaint shall be immediately entered. The stewards shall not cause the official sign to be displayed until the claim, objection, or complaint shall have been entered and considered.

(2) Report of interference. It is the duty of every driver to report to the official designated for that purpose, as promptly as possible after the conclusion of a race in which the driver has participated, any material interference to the driver or the horse by another horse or driver during a race.

c. If any of the above violations are committed by a person driving a horse coupled as an entry in the betting, the stewards shall set the offending horses back. The horse coupled in the entry with the offending horse shall also be set back if the stewards find that it improved its finishing position as a direct result of the offense committed by the offending horse.

d. In the case of interference, collision, or violation of any of the above restrictions, whether occurring before or after the start, the offending horse may be placed back one or more positions in that heat or dash and, in the event the collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings; and the driver may be fined or suspended. In the event a horse is set back, it must be placed behind the horse with whom it interfered.

e. Unsatisfactory drive—fraud. Every heat in a race must be contested by every horse in the race and every horse must be driven to the finish. If the stewards believe that a horse is being driven or has been driven heretofore, with design to prevent winning a heat or dash which it was evidently able to win, or is being raced in an inconsistent manner, or to perpetrate or to aid a fraud, they shall consider it a violation and the driver and anyone in concert with the driver, to so affect the outcome of the race(s) may be fined or have their license suspended or revoked. The stewards may substitute a competent and reliable driver at any time. The substitute driver shall be paid at the discretion of the stewards and the fee retained from the purse money due the horse, if any.

In the event a drive is unsatisfactory due to lack of effort or carelessness, and the judges believe that there is no fraud, gross carelessness, or a deliberate inconsistent drive, they shall impose a penalty under this rule including, but not limited to, a fine, suspension or revocation.

f. If, in the opinion of the stewards, a driver is for any reason unfit or incompetent to drive or refuses to comply with the directions of the stewards, or is reckless in conduct and endangers the safety of horses or other drivers in the race, the driver may be removed and another driver substituted at any time after the positions have been assigned in a race, and the offending driver shall be fined or have license suspended or revoked. The substitute driver shall be properly compensated.

g. If, for any cause other than being interfered with or broken equipment, a horse fails to finish after starting in a heat, that horse shall be ruled out.

h. Loud shouting or other improper conduct is forbidden in a race. After the starting gate is in motion, both feet must be kept in the stirrups until after the finish of the race, except that a driver shall be allowed to remove a foot from the stirrups temporarily for the purpose of pulling earplugs.

i. Drivers will be allowed whips not to exceed three feet nine inches, plus a snapper not longer than six inches. Provided further that the following actions may be considered as excessive or indiscriminate use of the whip:

- (1) Causing visible injury to a horse.
- (2) Whipping a horse after a race.

j. The use of any goading device, chain or mechanical devices or appliances, other than the ordinary whip or crop, upon any horse in any race shall constitute a violation of this rule.

k. The brutal use of a whip or crop or excessive or indiscriminate use of the whip or crop shall be considered a violation. A driver may use a whip only in the conventional manner. Welts, cuts or whip marks on a horse resulting from whipping shall constitute a prima facie violation of this subrule. Drivers are prohibited from whipping under the arch of the sulky, kicking, punching or jabbing a horse, or using the whip so as to interfere with or cause disturbance to any other horse or driver in a race.

l. No horse shall wear hobbles in a race unless it starts in the same in the first heat and, having so started, it shall continue to wear them to the finish of the race, and any person found guilty of removing or altering a horse's hobbles during a race, or between races, for the purpose of fraud, shall be suspended or expelled. Any horse habitually wearing hobbles shall not be permitted to start in a race without them except by permission of the stewards. Any horse habitually racing free legged shall not be permitted to wear hobbles in a race except with the permission of the stewards. No horse shall be permitted to wear a head pole protruding beyond its nose.

m. Breaking.

(1) When any horse or horses break from their gait in trotting or pacing, their drivers shall at once, where clearance exists, take such horse to the outside and pull it to its gait.

(2) The following shall be considered violations of subparagraph (1) above:

1. Failure to properly attempt to pull the horse to its gait.
2. Failure to take to the outside where clearance exists.
3. Failure to lose ground by the break.

(3) Any breaking horse shall be set back when a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish.

(4) Any horse making a break which causes interference to other contending horses may be placed behind all offended horses; if there has been no failure on the part of the driver of the breaking horse in complying with subparagraph (2) above, no fine or suspension shall be imposed on the driver as a consequence of the interference.

(5) The stewards may set any horse back one or more places if in their judgment any of the above violations have been committed.

n. If, in the opinion of the stewards, a driver allows the horse to break for the purpose of fraudulently losing a heat, then it shall be liable to the penalties elsewhere provided for fraud and fouls.

o. To assist in determining the matters contained in paragraphs “*m*” and “*n*,” it shall be the duty of one of the stewards to call out every break made, and the clerk shall at once note the break and character of it in writing.

p. The time between separate heats of a single race shall be no less than 40 minutes. The time between the heats shall not exceed one hour and 30 minutes. No heat shall be called after sunset where the track is not lighted for night racing.

q. Horses called for a race shall have the exclusive right of the course, and all other horses shall vacate the track at once, unless permitted to remain by the stewards.

r. In the case of accidents, only so much time shall be allowed as the stewards may deem necessary and proper.

s. A driver must be mounted in the sulky at the finish of the race or the horse must be placed as not finishing.

t. It shall be the responsibility of the owner and trainer to provide every sulky used in a race with unicolored or colorless wheel discs on the inside and outside of the wheel of a type approved by the commission. In their discretion, the stewards may order the use of mudguards at pari-mutuel tracks.

u. Sulky. Only sulkies of the conventional dual shaft and dual-hitch type described below shall be permitted to be used in any races. A conventional type sulky is one having two shafts that must be parallel to and securely hitched on each side of the horse. No point of hitch or any part of a shaft shall be above a horizontal level equal to the lowest point of the horse’s back.

v. Excessive or unnecessary conversation, or both, between and among drivers while on the race-track during the time when colors are required is prohibited. Any violation of this rule may be punished by a fine, suspension, or combination thereof.

w. If, at any racetrack which does not have a continuous solid inside hub rail, a horse or part of the horse sulky leaves the course by going inside the hub rail or other demarcation which constitutes the inside limits of the course, the offending horse shall be placed one or more positions where, in the opinion of the stewards, the action gave the horse an unfair advantage over other horses in the race, or the action helped the horse improve its position in the race. In addition, when an act of interference causes a horse or part of the horse’s sulky to cross the inside limits of the course, and the horse is placed by the judges, the offending horse shall be placed behind the horse with which it interfered.

9.4(21) Protests.

a. Protests may be made only by an owner, manager, trainer or driver of one of the contending horses, at any time before the winnings are paid over, and shall be reduced to writing, and sworn to, and shall contain at least one specific charge, which, if true, would prevent the horse from winning or competing in the race.

b. The stewards shall in every case of protest demand that the driver, and the owner or owners, if present, shall immediately testify under oath; and in case of their refusal to do so, the horse shall not be allowed to start or continue in the race, but shall be ruled out, with a forfeit of entrance money.

c. Unless the stewards find satisfactory evidence to warrant excluding the horse, they shall allow the horse to start or continue in the race under protest, and the premium, if any won by that horse, shall be forthwith transmitted to the commission to allow the parties interested an opportunity to sustain the allegation of the protest, or furnish information which will warrant an investigation of the matter. Where no action is taken to sustain the protest within 30 days, payment may be made as if such protest had not been filed.

d. Any person found guilty of protesting a horse falsely and without cause, or merely with intent to embarrass a race, shall be punished by a fine or by a suspension.

e. Nothing here contained shall affect the distribution of the pari-mutuel pools, when the distribution is made upon the official placing at the conclusion of the heat or dash.

f. In case of an appeal or protest, the purse money affected will be deposited with the commission in trust funds pending the decision of the appeal.

9.4(22) *Timing and records.*

a. *Timing races.* In every race, the time of each heat shall be accurately taken by three timers or an approved electric timing device, in which case there shall be one timer, and placed in the record in minutes, seconds, and fifths of seconds and, upon the decision of each heat, the time shall be publicly announced or posted. No unofficial timing shall be announced or admitted to the record and, when the timers fail to act, no time shall be announced or recorded for that heat.

b. *Error in reported time.* In any case of alleged error in the record, announcement or publication of the time made by a horse, the time so questioned shall not be changed to favor the horse or owner, except upon the sworn statement of the stewards and timers who officiated in the race.

c. *Time, where lapped on.* The leading horse shall be timed and time only shall be announced. No horse shall obtain a win race record by reason of the disqualification of another horse unless the horse's actual race time can be determined by photo finish or electronic timing.

d. *Time for dead heat.* In case of a dead heat, the time shall constitute a record for the horses making a dead heat and both shall be considered winners.

e. *Timing procedure.* The time shall be taken from the first horse leaving the point from which the distance of the race is measured until the winner reaches the wire.

f. *Fraudulent misrepresentation.* Any person who shall be guilty of fraudulent misrepresentation of time or the alteration of the record in any public race shall be fined, suspended or expelled, and the time declared not a record.

9.4(23) *Matters not covered by rules.* Any situation not covered by the rules of this commission shall be decided by the board of stewards in their discretion.

9.4(24) *Post time; entry number.*

a. *Post time.* A delay in the first post of not more than ten minutes from the established post time may be taken without prior approval of the commission or board of stewards.

b. *Heat number and saddle pads.* Each competing horse shall be equipped with numbers of style, type and design approved by the commission or its representatives. Numbers shall be so arranged that coupled entries may be distinguished and also horses coupled in the field.

9.4(25) *Paddock rules.*

a. Every track shall:

(1) Provide a paddock or receiving barn which must be completely enclosed with a secure fence and each opening through the fence shall be policed by a person or persons licensed by this commission so as to exclude unauthorized personnel. A daily record of all persons entering or leaving the paddock from one hour prior to post time until all races of that program have been completed shall be maintained on forms approved by the commission.

(2) Horses must be in the paddock at the time prescribed by the steward, but in any event at least one hour prior to post time of the race in which the horse is to compete. Except for warm-up trips, no horse shall leave the paddock until called to the post.

- (3) Persons entitled to admission to the paddock must be at least 16 years old and include:
 1. Owners of horses competing on the date of the race.
 2. Trainers of horses competing on the date of the race.
 3. Drivers of horses competing on the date of the race.
 4. Grooms and caretakers of horses competing on the date of the race.
 5. Officials whose duties require their presence in the paddock or receiving barn.
 6. Officials of the commission.
 7. The designated representative of the horsemen.
 8. Any person(s), not more than two, approved by the stewards who is a guest of an owner of a horse competing that day.
 - (4) No driver, trainer, groom or caretaker, once admitted to the paddock or receiving barn, shall leave it other than to warm up the horse until the race(s) for which it was admitted is contested.
 - (5) No person except an owner, who has another horse racing in a later race, or an official shall return to the paddock until all races of the program have been completed.
 - (6) All persons, except drivers in the driver's stand, must leave the paddock as soon as their duties are completed for the race or races for which they were admitted.
 - (7) All members of a registered stable, other than the driver, shall be entitled to admission to the paddock on any one racing day.
 - (8) During racing hours, each track shall provide the services of a blacksmith within the paddock.
 - (9) During racing hours, each track shall provide suitable extra equipment as may be necessary for the conduct of racing without unnecessary delay.
 - b.* Head numbers and saddle pads. At all tracks, head numbers and saddle pads must be used on horses when warming up and racing. The saddle pads in use at the tracks conducting extended pari-mutuel meetings shall be standardized consistent with a format to be established by U.S.T.A.
 - c.* Supervision of meeting. Although track licensees have the obligation of general supervision of their meeting, interference with the proper performance of duties of any official is prohibited.
- 9.4(26) Other track conditions.**
- a.* Default in payment of purses. Any track that defaults in the payment of a premium that has been raced for shall stand suspended, together with its officers.
 - b.* If, at a meeting of a licensed track, a race is contested which has been promoted by another party or parties, and the promoters default in the payment of the amount raced for, the same liability shall attach to the licensed track as if the race had been offered by it.
 - c.* Removal of horses from the grounds. No horse shall be ordered off the grounds without at least 72 hours' notice (excluding Sunday) to the person in charge of the horse. Failure to remove the horses shall subject the owner or the trainer to suspension, revocation or a fine.

491—9.5(99D) Medication and administration, sample collection, chemists, and practicing veterinarian.

9.5(1) Medication and administration.

- a.* No horse, while participating in a race, shall carry in its body any medication, or drug, or foreign substance, or metabolic derivative, that is a narcotic, or that could serve as a local anesthetic, or tranquilizer, or that could stimulate or depress the circulatory, respiratory, or central nervous system of a horse, affecting its speed. (See Iowa Code section 99D.25A.)
- b.* Also prohibited are any drugs or foreign substances that might mask or screen the presence of the prohibited drugs, or prevent or delay testing procedures.

c. Proof of detection by the commission chemist of the presence of a medication, or drug, or foreign substance, or metabolic derivative, prohibited by paragraph "a" or "b" in a saliva, urine or blood sample duly taken under the supervision of the commission veterinarian from a horse immediately prior to or promptly after running in a race, shall be prima facie evidence that the horse was administered with the intent that it would carry or that it did carry prohibited medication, drug, or foreign substance in its body while running in a race in violation of this rule.

d. Administration or possession of drugs.

(1) Prior to the race, no person shall administer, cause to be administered, participate, or attempt to participate, in any way in the administration of any medication, drug, foreign substance, or treatment by any route, to a horse registered for racing on the day of the race for which the horse is entered.

(2) No person except a veterinarian shall have in possession any prescription drug. However, a person may possess a noninjectable prescription drug for animal use if:

1. The person actually possesses, within the racetrack enclosure, documentary evidence that a prescription has been issued to the person for such a prescription drug.

2. The prescription contains a specific dosage for the particular horse or horses to be treated by the prescription drug.

3. The horse or horses named in the prescription are then in said person's care within the racetrack enclosure.

(3) No veterinarian or any other person shall have in possession or administer to any horse within any racetrack enclosure any chemical substance which:

1. Has not been approved for use on equines by the Food and Drug Administration pursuant to the federal Food, Drug and Cosmetic Act, 21 U.S.C. Section 301 et seq., and implementing regulations, without prior written approval from a commission veterinarian, after consultation with the board of stewards.

2. Is on any of the schedules of controlled substances as prepared by the Attorney General of the United States pursuant to 21 U.S.C. Sections 811 and 812, without the prior written approval from a commission veterinarian, after consultation with the board of stewards.

The commission veterinarian shall not give such approval unless the person seeking such approval can produce evidence in recognized veterinary journals or by recognized equine experts that such chemical substance has a beneficial, therapeutic use in horses.

(4) No veterinarian or any other person shall dispense, sell or furnish any feed supplement, tonic, veterinary preparation, medication, or any substance that can be administered or applied to a horse by any route to any person within the grounds of the association unless there is a label specifying the name of the substance dispensed, the name of the dispensing person, the name of the horse or horses for which the substance is dispensed, the purpose for which said substance is dispensed, the dispensing veterinarian's recommendations for withdrawal before racing (if applicable), and the name of the person to whom dispensed, or is otherwise labeled as required by law.

(5) No person shall have in possession or in areas under their responsibility on association grounds, any feed supplement, tonic, veterinary preparation, medication, or any substance that can be administered or applied to a horse by any route unless it complies with the labeling requirements in subparagraph (4) above.

e. Any person found to have administered a medication, drug, or foreign substance that caused or could have caused a violation of this rule, or caused or participated or attempted to participate in any way in the administration, shall be subject to disciplinary action.

f. The owner, trainer, groom or any other person having charge, custody or care of the horse is obligated to protect the horse properly and guard it against the administration or attempted administration and, if the stewards shall find that any person has failed to show proper protection and guarding of the horse or, if the stewards find that any owner, lessee or trainer is guilty of negligence, they shall impose punishment and take other action they deem proper under any of the rules including reference to the commission.

g. In order for a horse that is on a bleeder's list in another state to be granted reciprocity in Iowa and be placed on a bleeder's list in Iowa, the rules governing placement on the bleeder's list in that other state must equal or exceed those of Iowa.

9.5(2) Sample collection.

a. Urine, blood and other specimens shall be taken and tested from any horse that the stewards of the meeting, commission veterinarian, or the commission's representatives may designate. Tests are to be under the supervision of the commission. The samples shall be collected by the commission veterinarian or other person or persons the commission may designate.

b. A track shall have a detention barn under the supervision of the commission veterinarian for the purpose of collecting body fluid samples for any tests required by the commission. The building, location, arrangement, furnishings and facilities, including refrigeration and hot and cold running water, must be approved by the commission.

c. No unauthorized person shall be admitted at any time to the building or the area utilized for the purpose of collecting the required body fluid samples or the area designated for the retention of horses pending the obtaining of body fluid samples.

d. During the taking of samples from a horse, the owner or responsible trainer, or a representative designated by the owner or trainer, may be present and witness the taking of the sample and so signify in writing. Failure to be present and witness the collection of the samples constitutes a waiver by the trainer or representative of any objections to the source and documentation of the sample.

e. A security guard, approved by the commission, must be in attendance during the hours designated by the commission.

f. The commission veterinarian, the board of stewards, agents of the division of criminal investigation, or the authorized representative of the commission may take samples of any medicine or other materials suspected of containing improper medication, drugs, or other substance which could affect the racing condition of a horse in a race which may be found in barns or elsewhere on racetracks or in the possession of any person connected with racing, and shall be delivered to the official chemist for analysis.

g. Nothing in these rules shall be construed to prevent:

(1) Any horse in any race from being subjected by the order of a steward or the commission veterinarian to tests of body fluid samples for the purpose of determining the presence of any foreign substance.

(2) The state steward or the commission veterinarian from authorizing the splitting of any sample.

(3) The commission veterinarian from requiring body fluid samples to be stored in a frozen state for future analysis.

Administration of lasix and phenylbutazone shall be allowed only as permitted under Iowa Code section 99D.25A.

h. Before leaving the racing surface, the trainer shall ascertain the testing status of the horse under such trainer's care from the commission veterinarian or designated test barn representative.

9.5(3) Chemists.

a. The commission shall employ one or more chemists or contract with one or more qualified chemical laboratories to determine by chemical testing and analysis of body fluid samples whether a substance or drug is present which may affect the outcome of a race or which may interfere with the testing procedure as provided in Iowa Code section 99D.23(1).

b. All body fluid samples taken by or under direction of the commission veterinarian or authorized representative of the commission shall be delivered to the laboratory of the official chemist for analysis. Each sample shall be marked or numbered and bear information essential to its proper analysis; but the identity of the horse from which the sample was taken or the identity of its owner(s) or trainer shall not be revealed to the official chemist or the staff of the chemist. The container of each sample shall be sealed as soon as the sample is placed thereon.

c. The commission chemist shall be responsible for safeguarding and testing each sample delivered to the laboratory by the commission veterinarian.

d. The commission chemist shall conduct individual tests on each sample, screening same for prohibited substances, and conducting other tests to detect and identify any suspected prohibited substance or metabolic derivative with specificity. Pooling of samples shall be permitted only with the knowledge and approval of the commission.

e. Upon the finding of a test negative for prohibited substances, the remaining portions of the sample may be discarded. Upon the finding of tests suspicious or positive for prohibited substances, the tests shall be reconfirmed, and the remaining portion of the specimen, if available, shall be preserved and protected until the stewards rule it may be discarded.

f. The commission chemist shall submit to the state steward a written report as to each specimen tested, indicating by sample tag identification number, whether the sample was tested negative or positive for prohibited substances. The commission chemist shall report test findings to no person other than the state steward or a designated representative of the state steward.

(1) In the event the commission chemist should find a specimen suspicious for a prohibited medication, additional time for test analysis and confirmation may be requested.

(2) The racing association shall not make distribution of any purses until given clearance of chemical tests by the state steward.

g. In reporting to the state steward a finding of a test positive for a prohibited substance, the commission chemist shall present documentary or demonstrative evidence acceptable in the scientific community and admissible in court in support of the professional opinion as to the positive finding.

h. No action shall be taken by the state steward on the report of the official chemist unless and until the medication, drug or other substance has been properly identified, as well as the horse from which the sample was taken, nor until an official report signed by the chemist has been received by the state steward.

i. The cost of the testing and analysis shall then be reimbursed by each licensed association on a per sample basis so that each association shall bear only its proportion of the total cost of testing and analysis.

9.5(4) *Practicing veterinarian.*

a. Prohibited acts.

(1) Ownership. A licensed veterinarian practicing at any meeting is prohibited from any ownership, directly or indirectly, of any horse racing during the meeting.

(2) Wagering. Veterinarians licensed by the commission as veterinarians are prohibited from placing any wager of money or other thing of value directly or indirectly on the outcome of any race conducted at the meeting at which the veterinarian is furnishing professional service.

(3) Prohibition of furnishing injectable materials. No veterinarian shall within the association grounds furnish, sell or loan any hypodermic syringe, needle, or other injection device, or any drug, narcotic or prohibited substance to any other person within the grounds of an association where race horses are stabled unless with written permission of the stewards.

b. Single-use syringes. The use of other than single-use disposable syringes and infusion tubes on association premises is prohibited. Whenever a veterinarian has used a hypodermic needle or syringe, the veterinarian shall destroy the needle and syringe and remove it from the association premises.

c. Veterinarians must submit daily to the commission veterinarian on a prescribed form a report of all medications and other substances which the veterinarian prescribed, administered or dispensed for horses registered at the current race meeting as provided in Iowa Code section 99D.25. Reports shall be submitted in a manner and at a time determined by the commission veterinarians not later than the day following the treatments being reported. Reports shall include the horse, trainer, medication or other substance, dosage or quantity, route of administration and time administered, dispensed or prescribed.

d. Report of illness. Each veterinarian shall report immediately to the stewards and the commission veterinarian any illness in a horse entrusted to the veterinarian's care presenting unusual or unknown symptoms.

e. Employees. Practicing veterinarians may have employees working under their direct supervision licensed as "veterinary assistants" or "veterinary technicians." Activities of these employees shall not include direct treatment or diagnosis of any racing animal. A practicing veterinarian must be present if an employee is to have access to injection devices or injectables.

f. Equine dentistry. Equine dentistry is considered a function of veterinary practice by the Iowa veterinary practice Act. Any dental procedures performed at the racetrack must be performed by a licensed veterinarian or a licensed veterinary assistant.

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